

## UNITED STATES DISTRICT COURT

for the

2019 DEC -5 AM 11:37

District of New Hampshire

Division

FILED

Julisa Amurra Adonay El &amp; Jamhal Talib Abdullah Bey

Case No.

(to be filled in by the Clerk's Office)

## Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Sargent Zachary Byam Badge #202,  
MARLBOROUGH POLICE DEPARTMENT Et Alia

Jury Trial: (check one)  Yes  No

## Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Julisa Amurra Adonay El
Street Address	255 Main st Suite 201
City and County	near Pawtucket
State and Zip Code	[RI 02860]
Telephone Number	
E-mail Address	

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

**Defendant No. 1**

Name	<b>SARGENT ZACHARY BYAM badge #202</b>
Job or Title ( <i>if known</i> )	<b>MARLBOROUGH POLICE SARGENT</b>
Street Address	<b>236 Main Street</b>
City and County	<b>MARLBOROUGH</b>
State and Zip Code	<b>NH 03455</b>
Telephone Number	<b>(603) 876-3311</b>
E-mail Address ( <i>if known</i> )	

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**Defendant No. 2**

Name	<b>HARRISVILLE POLICE CHIEF RUSSEL DRISCOLL</b>
Job or Title ( <i>if known</i> )	<b>HARRISVILLE POLICE CHIEF</b>
Street Address	<b>167 MAIN STREET</b>
City and County	<b>HARRISVILLE</b>
State and Zip Code	<b>NH 03450</b>
Telephone Number	<b>603-827-2903</b>
E-mail Address ( <i>if known</i> )	

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**Defendant No. 3**

Name	<b>LEONS AUTO CENTER</b>
Job or Title ( <i>if known</i> )	<b>TOW COMPANY</b>
Street Address	<b>600 MAIN STREET</b>
City and County	<b>KEENE</b>
State and Zip Code	<b>NH 03431</b>
Telephone Number	<b>603 357 7004</b>
E-mail Address ( <i>if known</i> )	

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**Defendant No. 4**

Name	<b>CHESHIRE COUNTY DEPARTMENT OF CORRECTIONS</b>
Job or Title ( <i>if known</i> )	
Street Address	<b>825 MARLBOROUGH STREET</b>
City and County	<b>KEENE</b>
State and Zip Code	<b>NH 03431</b>
Telephone Number	<b>603-903-1600</b>
E-mail Address ( <i>if known</i> )	

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Defendants:

U.S. DISTRICT COURT  
DISTRICT OF NH

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MARLBOROUGH SARGENT ZACHARY BYAM badge #202  
236 Street KEENE, NH 03455  
(603) 876-3311

FILED

MARLBOROUGH POLICE DEPARTMENT  
236 Street KEENE, NH 03455  
(603) 876-3311

LEONS AUTO CENTER  
600 Main Street KEENE NH 03431  
(603) 357-7004

HARRISVILLE POLICE CHIEF RUSSEL DRISCOLL  
167 Main Street HARRISVILLE NH 03450  
(603) 827 2903

HARRISVILLE POLICE DEPARTMENT  
167 Main Street HARRISVILLE NH 03450  
(603) 827 2903

CHESHIRE COUNTY DEPARTMENT OF CORRECTIONS SUPERINTENDENT RICHARD  
N. VAN WICKLER  
825 Marlborough Street KEENE, NH 03431  
(603) 903 1600  
CHESHIRE COUNTY DEPARTMENT OF CORRECTIONS  
825 Marlborough Street KEENE, NH 03431  
(603) 903 1600

DUBLIN POLICE CHIEF SWACKO badge #81

DUBLIN POLICE DEPARTEMENT

TROY POLICE DEPARMENT CORPAL MASICK badge # 342

TROY POLICE DEPARTMENT

STATE TROOPER LEXI HELPER 1280

SARGENT HARRIS OF THE SHERIFF 'S DEPARMENT

POLICEMEN ELLIS badge # 341

POLICEMEN BLAIR badge #83

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

- Federal question       Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

fourth Amendment, Fifth Amendment, Title 18 USC 242 & 242. Officer Byam violated my rights secured by the constitution by towing my car without any due process.

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**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (*name*) Julisa Amurra Adonay El, is a citizen of the  
State of (*name*) Morocco.

**b. If the plaintiff is a corporation**

The plaintiff, (*name*), is incorporated  
under the laws of the State of (*name*),  
and has its principal place of business in the State of (*name*).

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, (*name*), is a citizen of  
the State of (*name*). Or is a citizen of  
(*foreign nation*).

b. If the defendant is a corporation

The defendant, *(name)* \_\_\_\_\_, is incorporated under  
the laws of the State of *(name)* **NEW HAMPSHIRE** \_\_\_\_\_, and has its  
principal place of business in the State of *(name)* \_\_\_\_\_.  
Or is incorporated under the laws of *(foreign nation)* \_\_\_\_\_,  
and has its principal place of business in *(name)* \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

SEE ATTACHED AFFIDAVIT

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**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

SEE ATTACHED AFFIDAVIT

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**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/2/19

Signature of Plaintiff

A handwritten signature in black ink, appearing to read "Julie Anne Amurra Adonay El". To the right of the signature, the letters "ARR" and the number "1001-308" are written vertically.

Printed Name of Plaintiff

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney



Printed Name of Attorney



Bar Number



Name of Law Firm



Street Address



State and Zip Code



Telephone Number



E-mail Address

